

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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TERRENCE KUEHL,

Plaintiff,

v.

JEFFERSON PILOT FINANCIAL and  
LINCOLN FINANCIAL GROUP,

Defendants.

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Case No. 8:12-cv-260

(District Court of  
Douglas County, Nebraska,  
Case No. CI 12-6304)

**NOTICE OF REMOVAL**

To: Terrence Kuehl, his attorneys, and the Clerk of the United States District Court for the District of Nebraska.

Defendants, Jefferson Pilot Financial and Lincoln Financial Group, give notice of the removal of the above-captioned action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. In support of this notice, Defendants state and allege as follows:

1. Plaintiff filed the above-captioned action on July 10, 2012, in the District Court of Douglas County, Nebraska, Case No. CI 12-6304. Defendants first received a copy of the Complaint by certified mail on July 12, 2012. Accordingly, this Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within 30 days of Defendants' first receipt of the Complaint.

2. This Court has original jurisdiction over the issues presented in the Complaint pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332. The parties are citizens of different states, and are not citizens of the same state. The Plaintiff is a citizen of the State of Nebraska. The named Defendants are misjoined. This action seeks

benefits allegedly due under a life insurance policy issued by Jefferson Pilot Life Insurance Company, the successor in interest to which is The Lincoln National Life Insurance Company. Accordingly, The Lincoln National Life Insurance Company is the only proper party defendant to the claims alleged. Lincoln National Life Insurance Company is a corporation organized and existing pursuant to laws of the State of Indiana, with its principal place of business in Ft. Wayne, Indiana.

3. There has at no time been an entity known as “Jefferson Pilot Financial.” All surviving entities previously affiliated with Jefferson Pilot Life Insurance Company have become affiliates of The Lincoln National Life Insurance Company, either by merger, change of ownership or change of name. “Jefferson Pilot Financial” is therefore a misjoined defendant whose citizenship, if any, is not relevant to removal.

4. There has at no time been an entity known as “Lincoln Financial Group.” Rather, “Lincoln Financial Group” is the marketing name of Lincoln National Corporation. “Lincoln Financial Group” is therefore a misjoined defendant whose citizenship, if any, is not relevant to removal. Lincoln National Corporation is the parent of Lincoln National Life Insurance Company, the only proper party defendant. Lincoln National Corporation is an Indiana corporation with its principal place of business in Radnor, Pennsylvania.

5. The Complaint seeks judgment for allegedly unpaid life insurance benefits in the sum of \$250,000, plus additional monetary relief. Accordingly, without admitting or acknowledging the scope or extent of Plaintiff’s claim, the allegations of the Complaint serve to place at issue an amount in controversy in this action, exclusive of interest and costs, exceeding the sum of \$75,000.

6. True and correct copies of all process, pleadings, and orders served upon

Defendants in the state action are attached and incorporated by this reference as Exhibit 1.

7. A true and correct copy of the Notice of Removal that has been filed with the Clerk of the District Court of Lancaster County, Nebraska, is attached and incorporated by reference as Exhibit 2.

WHEREFORE, Defendants respectfully provide notice of the removal of this action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska, and pray for such further relief as this Court finds appropriate.

**REQUEST FOR PLACE OF TRIAL**

Defendants respectfully request that the trial of this action be held in Omaha, Nebraska.

Dated this 30th day of July, 2012.

JEFFERSON PILOT FINANCIAL and LINCOLN  
FINANCIAL GROUP, Defendants.

By: s/Steven D. Davidson  
Steven D. Davidson (#18684)  
of: BAIRD HOLM LLP  
1500 Woodmen Tower  
Omaha, Nebraska 68102  
(402) 344-0500  
Its Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

James D. Sherrets  
Robert S. Sherrets  
Sherrets Bruno & Vogt LLC  
260 Regency Parkway Drive, Suite 200  
Omaha, Nebraska 68114

s/Steven D. Davidson

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